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TAGS: [PGOV](#) [PREL](#) [PTER](#) [KDRG](#) [KU](#)
SUBJECT: GUANTANAMO CLOSING S/E FRIED SEPTEMBER 21 MEETING
WITH KUWAITI PM

REF: (A)KUWAIT 0755, (B)STATE 72438

CLASSIFIED BY S/E DANIEL FRIED. REASONS: 1.4 (B)&(D).

11. (C) SUMMARY: In a September 21 meeting at the Kuwaiti Permanent Mission in New York, S/E for the Closure of Guantanamo, Dan Fried told the Kuwaiti PM that the way forward to resolve the Kuwaiti detainee issue is to finalize the draft diplomatic note outlining proposed GOK security measures. Recalling President Obama's security concerns expressed to the Amir on August 3 and the desire by both parties to avoid a repeat of the April 2008 suicide attack in Mosul, Iraq by a Kuwaiti released from Guantanamo, the note would put both parties on the strongest possible footing to act on the Amir's request while protecting the national security and foreign policy interests of both countries.

12. (C) Welcoming the Administration's desire to work with the GOK, the PM requested both al-Mutairi and al-Rabiaa, who recently won his habeas case, be sent home together. FM al-Sabah underscored the GOK's desire to be able to report to Parliament the return of two detainees, followed by the return of the other two upon conclusion of U.S. legal proceedings, as well as the provision of U.S. intelligence on all four detainees. Both the PM and S/E Fried agreed that Kuwait's commitment at the most senior levels paved the way for continued work in this area. Fried looked forward to GOK feedback on the draft diplomatic note, the contents of which could form the framework for the return of Kuwaiti detainees. The note plus Kuwait's success with respect to its rehabilitation center would be key factors in U.S. consideration of the possible return of all Kuwaiti detainees. END SUMMARY.

13. (C) Special Envoy for the Closure of the Guantanamo Bay Detention Facility, Ambassador Daniel Fried, met with Kuwait Prime Minister Sheikh Nasser al-Mohammed al-Sabah at the Kuwaiti Permanent Mission in New York September 21 to discuss the contents of the proposed diplomatic note outlining security measures to be undertaken by the GOK following the transfer from Guantanamo to Kuwait those Kuwaitis found eligible for transfer.

14. (C) Flanked by TV cameras, Sheikh Nasser warmly greeted Ambassador Fried and ushered him into a large Majlis room filled with the PM's entourage and other Kuwaiti diplomatic staff. Recapping recent diplomatic developments, Fried praised Kuwaiti Ambassador to the U.S. Sheikh Salem al-Sabah for pushing forward the detainee issue and presenting a strong, serious case on their behalf when the two met on July 9 (Ref B). This meeting led to the visit of a USG interagency delegation to Kuwait to discuss security measures with the GOK and to tour the al-Salam Rehabilitation Center (Ref A). The success of this visit paved the way for staff members of the al-Salam Center to interview all four Kuwaiti detainees at Guantanamo September 2/3.

15. (C) Citing the August 3 meeting between President Obama and the Amir of Kuwait, Ambassador Fried reiterated the serious security concerns raised by the President, but stressed the President's desire to move forward. One detainee will be returned to Kuwait (Khaled al-Mutairi (213)) he said, and there is serious consideration for returning more. Raising the draft diplomatic note, Fried said the USG looks forward to receiving feedback from the GOK. Forewarned about GOK concern regarding the point restricting detainee movement outside of the house between dusk and dawn, Fried assured the PM that the U.S. certainly did not intend to impede the religious practice of attending mosque and that alternative language could be developed to the satisfaction of both sides. (NOTE: This language in fact is drawn from a Kuwaiti diplomatic Note transmitted from the Kuwaiti Embassy July 23 to S/E Fried outlining GOK security measures. END NOTE)

16. (C) Ambassador Fried stressed that the exchange of diplomatic notes would put Kuwait and the U.S. in the strongest possible position to move forward and achieve what President Obama and the Amir discussed in their meeting. (Fried did not comment on the release of any detainees not already approved for release by the Interagency process.)

17. (C) Sheikh Nasser thanked the Obama Administration for its consideration of the detainee issue, underscoring that the Amir gave his personal word as guarantee regarding security measures related to the return of the Kuwaiti detainees from Guantanamo. Secondly, he raised the September 17 court decision granting Kuwaiti detainee Fouad al-Rabiaa his petition of habeas. Sheikh Nasser expressed his desire that al-Mutairi and al-Rabiaa be returned to Kuwait together, and lastly, the GOK will study the diplomatic note thoroughly. He reiterated GOK concern that "no one can stop another from performing his religious duty," referring to the dusk-to-dawn movement restriction. Ambassador Fried stated that the U.S. will not stand in the way of legitimate religious obligations, and he will work with the interagency to find alternative language that is acceptable to both parties. On al-Rabiaa, Fried noted that the legal process of his case needed to be concluded. Finalizing the exchange of diplomatic notes would put the USG in a strong position to move forward by setting the conditions to act on the Amir's request. Sheikh Nasser said that Kuwait would like to see the return of the other two "boys," reiterating the Amir's personal guarantee.

18. (C) Ambassador Fried recognized the Amir's request for the return of all four detainees. Raising the unsuccessful habeas case of Fawzi al-Awda (232), Fried said that this legal outcome recognized the U.S. Government has the authority to detain al-Awda, though that does not mean that the U.S. must continue to detain him. We should not stop at al-Mutairi and al-Rabiaa, he said, expressing his readiness to work with the GOK towards the possible transfer of the other two detainees (232 and 552). As President Obama said, there are serious security concerns, hence the development of the diplomatic note outlining security assurances. The last thing either government wants is another incident like the suicide bombing that occurred in Mosul, Iraq in April 2008 carried out by returned Kuwaiti detainee Abdullah al-Ajmi. The way forward is the exchange of diplomatic notes containing security assurances. This will pave the way for the return of al-Mutairi and, possibly, al-Rabiaa, whose success in the rehabilitation center forms the strongest basis for resolution of the detainee issue. Fried acknowledged the great effort taken by the GOK to establish the rehabilitation center.

19. (C) Sheikh Nasser noted the positive response of the USG interagency team upon conclusion of the visit to the al-Salam Center. Ambassador Fried agreed, adding that the team was impressed by the professionalism of the medical staff. Fried said he wished other countries in the region would set up a rehabilitation center of the same caliber as the al-Salam Center. Fried said he will continue to work with Kuwaiti Ambassador al-Sabah to expedite forward movement. He would report to Secretary Clinton, NSA Jones and senior DOD officials the seriousness and commitment of the GOK to

resolving this matter.

¶10. (C) Kuwaiti FM Sheikh Mohammed al-Sabah thanked Fried for recognizing the seriousness of the Kuwaiti request and the Amir's personal guarantee. He raised last month's arrest of a network of Kuwaitis linked to al-Qaida planning to carry out terrorist attacks targeting Kuwaiti and U.S. interests. Speaking pointedly, Sheikh Mohammed conveyed to Ambassador Fried his desire that Sheikh Nasser be able to report back to the Kuwaiti Parliament that the PM had met with Kuwait's U.S. allies and they had agreed to return two of the Kuwaiti detainees for transfer into the al-Salam Center. Additionally, Sheikh Nasser should be able to present a timeline for return of the other two, as the U.S. will conclude its legal review of their cases and turn them over. Kuwait should not have to wait another six years for return of its detainees. Lastly, the PM also must be able to tell the Kuwaiti Security Services that intelligence on the detainees will be forthcoming, claiming that none was made available to them when the previous eight were tried in Kuwaiti courts following their return in 2004.

¶11. (C) Ambassador Fried said that he would inquire about intelligence on the four detainees. Both parties will engage in intense discussions but it will not take another six years. Talks to date have given the U.S. and Kuwait the best way forward. The security undertakings contained in the note should lead to progress on return of the first two, and, possibly, subsequent progress on the other two. The U.S. intends to prosecute all those who it believes it can prosecute successfully. It is unclear if the U.S. will prosecute two of the four Kuwaiti detainees. He reiterated that he will remain in close touch with Ambassador al-Sabah and work with him in a frank and transparent way.

¶12. (C) In closing, Sheikh Nasser expressed his pleasure at having had the opportunity to discuss the detainee issue with Ambassador Fried and hoped to see him again. Fried said he hoped to visit Kuwait at some point to conclude this important issue.
CLINTON